

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

Rule making related to terminology

The Inspections and Appeals Department hereby amends Chapter 57, “Residential Care Facilities,” Chapter 58, “Nursing Facilities,” Chapter 63, “Residential Care Facility—Three- To Five-Bed Specialized License,” Chapter 65, “Intermediate Care Facilities for Persons with Mental Illness (ICF/PMI),” and Chapter 71, “Subacute Mental Health Care Facilities,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 10A.104(5).

State or Federal Law Implemented

This rule making implements, in whole or in part, 2020 Iowa Acts, House File 2585.

Purpose and Summary

These amendments update rules in accordance with changes included in 2020 Iowa Acts, House File 2585. The legislation required changes to the terminology used in relation to deaf and hard-of-hearing persons.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 21, 2021, as **ARC 5567C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Department on May 26, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on July 21, 2021.

The following rule-making actions are adopted:

ITEM 1. Amend paragraph **57.24(4)“b”** as follows:

b. Residents’ rights and responsibilities shall be presented in language understandable to the resident. If the facility serves residents who are non-English-speaking or deaf or hard of hearing, steps shall be taken to translate the information into a foreign or sign language. In the case of blind residents, either Braille or a recording shall be provided. Residents shall be encouraged to ask questions about their rights and responsibilities and these questions shall be answered. (II, III)

ITEM 2. Amend paragraph **57.24(4)“e”** as follows:

e. All residents shall be advised within 30 days following changes made in the statement of residents’ rights and responsibilities. Appropriate means shall be utilized to inform non-English-speaking, deaf or hard-of-hearing, or blind residents of changes. (II, III)

ITEM 3. Amend paragraph **58.39(7)“b”** as follows:

b. Residents’ rights and responsibilities shall be presented in language understandable to the resident. If the facility serves residents who are non-English speaking or deaf or hard of hearing, steps shall be taken to translate the information into a foreign or sign language. In the case of blind residents, either Braille or a recording shall be provided. Residents shall be encouraged to ask questions about their rights and responsibilities and these questions shall be answered. (II)

ITEM 4. Amend paragraph **58.39(7)“e”** as follows:

e. All residents shall be advised within 30 days following changes made in the statement of residents’ rights and responsibilities. Appropriate means shall be utilized to inform non-English speaking, deaf or hard-of-hearing, or blind residents of such changes. (II)

ITEM 5. Amend paragraph **63.21(4)“b”** as follows:

b. Residents’ rights and responsibilities shall be presented in language understandable to the resident. If the facility serves residents who are non-English-speaking or deaf or hard of hearing, steps shall be taken to translate the information into a foreign or sign language. In the case of blind residents, either Braille or a recording shall be provided. Residents shall be encouraged to ask questions about their rights and responsibilities, and these questions shall be answered. (II, III)

ITEM 6. Amend paragraph **63.21(4)“e”** as follows:

e. All residents shall be advised within 30 days following changes made in the statement of residents’ rights and responsibilities. Appropriate means shall be utilized to inform non-English-speaking, deaf or hard-of-hearing, or blind residents of changes. (II, III)

ITEM 7. Amend paragraph **65.25(2)“b”** as follows:

b. Residents’ rights and responsibilities shall be presented in language understandable to residents. If the facility serves residents who ~~do not speak English~~ are non-English-speaking or ~~are~~ deaf or hard of hearing, steps shall be taken to translate the information into a foreign or sign language. Blind residents shall be provided either Braille or a recording. Residents shall be encouraged to ask questions about their rights and responsibilities. Their questions shall be answered. (II)

ITEM 8. Amend paragraph **65.25(2)“d”** as follows:

d. All residents, next of kin, or legal guardian shall be advised within 30 days of changes made in the statement of residents’ rights and responsibilities. Appropriate means shall be used to inform non-English-speaking, deaf or hard-of-hearing, or blind residents of changes. (II)

ITEM 9. Amend paragraph **71.21(3)“b”** as follows:

b. Residents’ rights and responsibilities shall be presented in language understandable to the resident. If the facility serves residents who are ~~not English-speaking~~ non-English-speaking or ~~are~~ deaf or hard of hearing ~~impaired~~, steps shall be taken to translate the information into the person’s native

language or sign language. In the case of visually impaired residents, either Braille or a recording shall be provided.

[Filed 5/27/21, effective 7/21/21]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/16/21.